

# WYOMING

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BOARD OF COSMETOLOGY

STATE OF WYOMING

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## STATEMENT OF REASONS FOR ADOPTION OF RULES

Pursuant to authority granted under the Board of Cosmetology Practice Act, W.S. 33-12-119 through 33-12-140, the Wyoming Board of Cosmetology has filed with the office of the Attorney General and the Legislative Service office copies of rules and regulations which it proposes to adopt in accordance with the Wyoming Administrative Procedure Act.

The rules and regulations are intended to protect the public by regulating the qualification of individuals licensed to teach and practice cosmetology and establishing standards that match national testing standards for minimal competency. The Board is also its efforts to reduce the length and number of its rules as directed the Governor.

These proposed amendments would:

set minimum requirements a Barber or Barber Stylist licensed under 33-7-101 through 33-7-211 to get a crossover license for Cosmetology; clean up redundancies in all areas of the rules and better organize them to specific topics; update definitions to current industry standards; simplify the requirements for acquiring a license by examination or endorsement; establish the definitions for secondary and postsecondary schools as defined by the U.S. Department of Education; bring school requirements up to the current industry standards; clarify requirements for licensure of instructors; clean up and remove redundancies in the student qualifications; update the course of study for all cosmetology related courses; reduce the total hours for the full cosmetology and instructor courses to better meet the national standards of education for the field of cosmetology; put all salon and independent contractors into one chapter for better use by the licensee and the public; bring the infection control requirements up to the national standard and better organize for public use; update with the help of the Office of the Attorney General for the complaint process; Establish proper fees including one (1) increase and the addition of a fee for partial examination.

The following is a list of proposed chapter and section:

### Chapter 1, General Provisions

- Section 1 through 4 are simple cleanup of verbiage to simplify and clarify information related to requirements a salon owner needs to post in public view;
- Section 5 better defines what a barber or barber stylist will need to acquire a Cosmetology license;
- Section 6 original information has been deleted to remove redundancies and new information placed to clarify the scope of practice for all cosmetology fields;

- Section 7 is new information to include an updated definition of an Independent contractor;
- Section 8 is updated information related to Unprofessional or Dishonest Conduct;
- Section 9 is just cleanup of language and removing redundancies;
- Section 10 has updated and cleaned up language.

#### Chapter 2, Personal Licensing Requirements and Procedures.

- The title of the chapter has been changed, we were able to simplify the requirements for examination and endorsement into one chapter;
- Section 1 applies to examination;
- Section 2 is instructions for international applications;
- Section 3 has the instructions for licensure by endorsement (reciprocity)
- Section 4 has been deleted.

#### Chapter 3, Schools

- Section 1 has a cleanup of language and introducing terminology postsecondary or secondary schools;
- Section 2 is new information defining postsecondary schools to meet the requirements set forth by the U.S. Department of Education to make it possible for Wyoming students to have a better chance at acquiring funding for their education;
- Section 3 is a simple definition of Secondary Schools;
- Section 4 is clarification of the applications required by the Board for a school to open. This is for all secondary or postsecondary schools;
- Section 5 has been included to clarify the Boards roll in inspections, this is new as it wasn't clear before;
- Section 6 is also new as most of this information had been misplaced previously in the old sanitation chapter and should have been included with the school requirements;
- Section 8 and 9 are a cleanup of the definitions and removing redundancies as well as bringing equipment requirements to a more realistic number for new schools;
- Section 10 introduces the ability for schools to offer programs that include approved distance learning tools;
- Sections 12 through 14 are just clean up and renumbering of sections;
- Section 15 is just a clarification of the use of a school as a salon.

#### Chapter 4, Instructor Licensing and Requirements

- Section 1 reflects the need to change the chapter title to reflect the additional information about the Instructor license requirements. In the past only the student instructor requirements were listed in the rules;
- Sections 2 and 3 are simple cleanup and removal of redundancies as well as clarification for an instructor that holds a segmented license.

#### Chapter 5, Student and Student Instructors

- All sections in this chapter have been updated with current industry requirements, cleaned up verbiage and removal of unnecessary wording.
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## Chapter 6, Course of Study

- This chapter has the most changes as there was a need to completely rewrite the requirements for the full cosmetology course, reducing the hours from 2000 to 1600. 97% of students trained nationwide for the full cosmetology course are trained in 1600 hours or less. We have found that this course can be reduced since each piece of the profession to include hair, skin, and nails has been segmented out into specialty licenses. The full cosmetology course includes those licensees that want to perform most services in the field of hair and minimal in skin or nails. This allows them to get a good understanding of all and more specific training in the area they will most use.
- Section 1 is the first of changes, setting up a base line of training for all segments of the program. All students will take this important section of General Infections Control and Professional Standards;
- Section 2 is the detailed course outline for the full cosmetology course. It includes Section 1 for the 100 hours and 1500 hours of additional training in hair, skin, and nails;
- Section 3 is the detailed course outline for the student that only wants to study the services performed on hair. It includes Section 1, 100 hours plus 900 hours specifically focused on hairstyling;
- Section 4 is the detailed course outline for the nail technology course. It also includes Section 1 for 100 hours and an additional 300 hours specific to the nail technology profession;
- Section 5 is the detailed course outline for the esthetics course. It includes as the others do, the 100 hours for the basic entry and an additional 500 hours in the study of esthetics;
- Section 6 is the course of study for the additional services for waxing and removal of superfluous hair that a licensed nail technician or hairstylist can take to do additional services not included in their original license. This is 125 hours of training;
- Section 7 is the course outline for a student instructor. This course has been reduced from 1000 hours of training to 500. This meets the national standards for the course since they already know the profession and this course is strictly for teaching skills. In the past we have found the student was unfairly used for free labor in the school without the benefit of acquiring the additional skills needed to teach successfully. We have reformatted the program to be focused on the teaching;
- Section 8 and 9 are just information that was included before but not in the proper locations. It made more sense to include them in this chapter;
- Section 10 is just cleanup of language and punctuation.

## Chapter 7, Salon and Independent Contractors.

- Sections 1 through 3 are simple cleanup of redundancies, terminology, and punctuation;
- Sections 4 through 7 had previously been included in the wrong chapter, we have just placed them in the correct location for the public to find;
- Sections 8 through 10 are like 1 through 3, clean up of redundancies, terminology, and punctuation;
- Section 11 through 19 were previously Chapters 8 and 9. This information seemed to fit much better in Chapter 7 for the public and licensees to find the information. It groups all information about where licensees can practice and if a license is needed.

## Chapter 8, Infection Control

- The title of the Chapter has been updated to the proper terminology. All sections of this chapter reflect the National Standards for Health, Safety, and Infection Control for the Cosmetology industry. The Board has adopted the National Interstate Council of State Boards of Cosmetology (NIC) standards to meet the high standard set for the industry. Previously this chapter had information not relevant to Infection Control so it was moved to the proper chapters.

## Chapter 9, Application Review, Complaint, Practice, and Procedure

- This chapter is a combination of previous chapters 11 and 12. We found that there were many redundancies and unnecessary information and with the help of the Attorney General's office, made this a much more user friendly chapter not only for the Board to use but also the public and licensees.

## Chapter 10, Fees

- Section 1 changes are needed as the cost of the national examination has increased by approximately \$10.00 dollars per written and \$10.00 dollars per practical examination. The \$75.00 does not cover the initial cost of the examinations per candidate. We have proposed a new fee for those that are only required to take only one of the sections of the examination, either written or practical, at \$60.00 which will cover that cost. In the pas they have paid the full examination fee.
- Section 2 is new, it is a clarification as to how the fees are prorated to put the new licensee on the two year license renewal process during their birth month. We have had this in place since 1995 but was never defined in the rules;
- Section 3 is just updated verbiage, subsection numbering. Note that this will be another rule change for the future when Administration and Information public records rules have been passed.

The Board has been able to decrease its rules in some places and, unfortunately, had to clarify additional information in other places. The original chapters 8, 9, and 12 have had the relevant information moved to a more appropriate location. The Board feels you will find them more user friendly, more precise, and it has reduced its rules by three (3) chapters and one thousand two hundred and ninety six (1,296) words, in addition to the redundancies previously found.